THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 1303 of 2000

Dated: 26-10-2006

Between:

A.P.S.R.T.C. rep., by its
Managing Director,
Mushirabad, Hyderabad.

..... PETITIONER

AND

State Transport Appellate Tribunal,
A.P., Hyderabad rep., by its Presiding
Officer and two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 1303 of 2000

O R D E R:

The writ petition is filed by the A.P. State Road Transport Corporation questioning the order dated 08-03-1999 passed by the first respondent-State Transport Appellate Tribunal, wherein the revision petition preferred by the Corporation against the order dated 02-07-1998 passed by the second respondent-Regional Transport Authority was dismissed.

The facts, in brief, are as under:

The third respondent herein made an application for grant of stage carriage permit as town service from Narasipatnam Abid Centre to Gangavaram via Subbarayudupalem. Though the Corporation raised an objection that the scheme under G.O.Ms.No.691/89 exempts only the holders of existing stage carriage permits the second respondent-Regional Transport Authority did not accept the same and granted the stage carriage permit as sought by the third respondent. Aggrieved by the same, though the Corporation had preferred a Revision Petition, being R.P.No.58 of 1998, the same was dismissed by the second respondent-State Transport Appellate Tribunal by order dated 08-03-1999. Hence, this writ petition.

I have heard the learned counsel appearing for the Corporation and perused the material on record.

Despite service of notice, third respondent did not choose to appear.

At the out set, it is to be noted that the effect of an identical scheme has been considered by the Constitutional Bench of Supreme Court in ***APSRTC v. Regional Transport Authority and another***[1] and it was held that the exception contained in the Note would apply only to the existing town services operating in the notified routes.

In the circumstances, only existing operators on the notified routes are eligible for permits and fresh applicants or future applicants are totally ineligible for grant of permits for town services operating on notified routes.

In the light of the ratio laid down by the Supreme Court in the above case, the orders passed by the second respondent as well as the first respondent are unsustainable and therefore, the same are set aside.

The writ petition is accordingly allowed. No costs.

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G. ROHINI, J

Dated: 26-10-2006
KLP

[1] (2005) 4 SCC 391